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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,481	11/28/2001	Christy R. Martin	11345.032002	2343

22511 7590 06/15/2005

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EXAMINER
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ZHOU, TING

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/995,481

Applicant(s)

MARTIN ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Request for Continued Examination (RCE) filed on 30 March 2005 under 37 CFR 1.53(d) based on parent Application No. 09/995,481 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 31 January 2005, submitted with the filing of the RCE have been received and entered. The applicant has cancelled claims 3 and 5-10. Claims 1-2 and 4 as amended are pending in the application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuen et al. U.S. Patent 6,239,794 (hereinafter "Yuen").

Referring to claim 1, Yuen teaches a portal comprising a display connected to a remote terminal for displaying an arrangement of cells (the TV display is remotely connected to the broadcast center in order to receive television signals and display broadcast programs; the TV display displays an arrangement of cells as shown in Figures 2-5) (column 4, lines 14-55 and Figure 1), each cell comprising a visual object and an underlying application (in the displays shown in Figures 2-5, an arrangement of cells are shown, each with a visual object, i.e. displayed text or picture, and an associated application, or function, i.e. an associated program being broadcasted or listed) (column 2, lines 5-35 and column 5, line 16 – column 6, line 51); and a user input device for inputting user inputs to select one of the cells (the remote controller shown in Figure 6 accepts user inputs for selection of cells such as program listings) (column 7, lines 15-33), wherein at least one cell displays one of a plurality of programs received from a broadcast center and wherein at least one cell is sensitive to the context of a cell displaying a program (as shown in Figures 2-5, cell 42, i.e. the PIP window, displays a current television program while cell 44 displays a program description of the broadcasted program shown in the PIP window 42) (column 2, lines 5-35 and column 5, line 16 – column 6, line 51).

Referring to claim 2, Yuen teaches the cells include one or more dynamically changing cells (for example, cell 42 shown in Figure 2 displays real-time images of the current television program selected by the user and changes dynamically in response to user selections of different programs from the program listings guide) (column 5, line 16 – column 6, line 51).

Referring to claim 4, Yuen teaches a method comprising receiving a plurality of broadcast programs (the television receiver receives broadcasting programs to be displayed in cell 42 of Figures 2-5) (column 4, lines 5-55 and column 16, lines 13-18); and generating a portal comprising cells containing live video of at least some of the received program (the TV display displays an arrangement of cells as shown in Figures 2-5; cell 42 contains and displays live, or real-time images of currently broadcasting programs) (column 2, lines 5-35 and column 5, line 16 – column 6, line 51); and at least one further cell associated with an application whose function is dependent on the context of a cell containing a live video (cell 44 in Figures 2-5 displays a program description of the broadcasted program shown in the cell 42; in other words, the description displayed in cell 44 is dependent upon the context of cell 42, i.e. the program being displayed in cell 42) (column 2, lines 5-35 and column 5, line 16 – column 6, line 51).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-2 and 4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

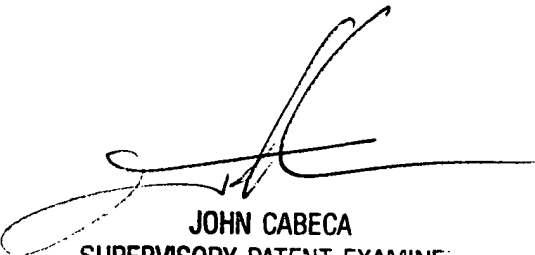
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



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